

## AGENDA – REGULAR MEETING OF CITY COUNCIL – February 23, 2010

1. 7:00 p.m. roll call.
2. Invocation.
3. Pledge of allegiance.
4. Comments from the public, limited to five minutes, on matters not on the regular agenda.
5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion).
  - a. Approval of minutes of the previous meeting and dispensing with reading of minutes.
  - b. Consider supplemental appropriation for the Police Department in the amount of \$71,022.84 – Second Reading.
  - c. Consider a request from South Avenue, LLC and Patrick and Virginia Logan to rezone three parcels from M-1 to B-2C.
6. Public Hearing – Consider annual grant application for Public Transportation Operating & Capital Funds for FY 2011.
7. Presentation by Blue Ridge Community College
8. Presentation by Big Brothers Big Sisters
9. Consider resolution in support of “The DREAM Act”
10. Consider request for a letter of support for Freeman Station Housing Project
11. Update from Public Works on Snow and Ice Removal Activities
12. Consider supplemental appropriation for the Public Works Department in the amount of \$1,591.55 – First Reading
13. Other Matters:
  - a. Council and Staff
14. Boards and Commissions
  - a. Central Shenandoah Planning District Commission – Stacy Turner term will expire on June 30, 2010.
  - b. Central Shenandoah Planning District Commission – Richard Baugh term will expire on June 30, 2010.
  - c. Central Shenandoah Planning District Commission – Carolyn Frank term will expire on June 30, 2010.

## REGULAR MEETING

February 9, 2010

**DRAFT**

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Chief of Police Donald Harper.

Council Member Frank gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for improvements to Rawley Springs. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank  
Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Planning and Community Development Director Turner presented a request from South Avenue, LLC and Patrick and Virginia Logan to rezone three parcels from M-1, General Industrial District to B-2C, General Business District. The parcels are located at 191 South Avenue and 1100 and 1118 South High Street and can be found on tax maps 20-A-9, 10, & 12. The Comprehensive Plan designates this area as Commercial. Mrs. Turner reviewed the surrounding uses in the area. The following development plan proffers were submitted: 1) Applicant will generally comply with the site plan as submitted except for the possibility to create a shared full service entrance onto South High Street. 2) All planted landscaping will be maintained by the property owner. 3) Applicant will incorporate accommodations for future bicycle lanes along South Avenue. 4) The existing Billboard Sign on the location will be removed by the applicant at the earliest possible date, but not later than sixty (60) days from the end of the contract lease. 5) Applicant will erect only one (1) free standing sign until the Billboard Sign is removed. 6) Applicant will have "Enter" and Exit" signs located at the entrances for the subject property but with no additional letters or words on the sign other than enter or exit. 7) Applicant shall take the required actions to have all internal lot lines vacant on the subject properties. The development plan incorporates razing all of the existing buildings to make way for a CVS pharmacy/retrial building that has two entrances – one, right-in right-out access along South High Street, and one, full service entrance along South Avenue. The layout illustrates 13 more parking spaces than the required minimum and landscape plantings. Planning Commission recommended approval of the rezoning request.

At 7:13 p.m., Mayor Degner closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 25, and Monday, February 1, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, February 9, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Rezoning – Corner of S. High St. & South Ave. (CVS Pharmacy)***

Public hearing to consider a request from South Avenue, LLC and Patrick and Virginia Logan to rezone three parcels totaling 2.41 +/- acres from M-1, General Industrial District to B-2, General Business District. The parcels are located at 191 South Avenue and 1100 and 1118 South High Street and can be found on tax maps 20-A-9, 10, & 12. The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City. The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG**  
**Kurt D. Hodgen**  
**City Manager**

Mayor Degner called on anyone desiring to speak for or against this rezoning request. Dusty Rhodes, an attorney for the applicant, said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:14 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this rezoning request as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank  
Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

The request to amend Sections 10-3-92 and 10-3-98 of the Zoning Ordinance was removed and will be considered after a public hearing has been held.

Mayor Degner presented the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, PERMITTING AN ENCROACHMENT ONTO A  
TWELVE (12) FOOT WIDE ALLEY ON THE NORTHWEST SIDE  
OF NORTH MAIN STREET IN THE CITY**

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (HRHA) is the contract purchaser of real estate located at 715 North Main Street in the City of Harrisonburg, Virginia also shown on the City Block Maps as parcel number 40-T-10; and**

**WHEREAS, the house on said property encroaches onto the adjoining twelve foot alley owned by the City by a total of 28 square feet, more or less; and**

**WHEREAS, pursuant to Section 15.2-2011 of the Code of Virginia, 1950, as amended, the City Council may allow the encroachment of the existing house to remain within the alley until the said building is destroyed or removed;**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:**

**That the existing encroachment (totaling 28 square feet, more or less) of the house onto the twelve (12) foot wide alley at 715 North Main Street in the City of Harrisonburg, Virginia can be maintained by the Harrisonburg Redevelopment and Housing Authority (HRHA), its successors and/or assigns, until such house is destroyed or removed, however, nothing in this authorization to maintain the encroachment shall be construed to relieve the HRHA or its successors and/or assigns of negligence on their part on account of said encroachment.**

**Approved: February 9, 2010**

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**MAYOR**

**ATTEST:**

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## CLERK OF THE COUNCIL

Michael Wong, Executive Director for the Harrisonburg Redevelopment and Housing Authority (HRHA), said that HRHA is the contract purchaser of retail estate located at 715 North Main Street. The house on this property has a slight encroachment onto an adjoining alley dedicated to the City. Following further discussion and comments, Council Member Wiens offered a motion to approve the request by HRHA authorizing the Mayor to execute a resolution and grant a license for the encroachment onto City owned property to HRHA and future owners of the structure until such time as it is demolished. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank  
Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

A presentation by Blue Ridge Community College was postponed due to the weather.

A presentation by Big Brothers Big Sisters was postponed due to the weather.

The next item of business was a presentation by Shenandoah Valley Bicycle Coalition (SVBC). Charlie Chenault representing the group requested that City Council authorize staff to draft design plans and cost estimates for two multi user off road paths to be included in the 2010 Bicycle Plan. Path number one is the Hillandale Park Connector path which would connect Circle Drive to Hillandale Park and then to Garbers Church Road. Path number two is the Bluestone Trail which would connect Stone Spring Road to Port Republic Road paralleling Interstate 81 with a side connector to the apartment complexes on the east side of South Main Street. City Manager Hodgen suggested that City staff review and outline a timeframe to allow the City to undertake all of the steps available for a shovel ready project.

The next item of business was a presentation by the Department of Public Works and Shenandoah Valley Bicycle Coalition. Public Works Department Planner Thanh Dang reviewed the application for a "Bicycle Friendly Community" (BFC) Award presented by the League of American Bicyclists to localities across the nation. The BFC application audits the City of Harrisonburg and its community's efforts on engineering, education, encouragement, evaluation and planning, and enforcement. Some benefits of this program include recognition, promotion, bench marking, and technical help from the League of American Bicyclists.

City Manager Hodgen presented a request for a supplemental appropriation for the Police Department. These funds will replace funds reimbursed by a Justice Assistance Grant (ARRA). Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$71,022.84 chge. to: 1000-33546 Justice Assistance Grant

\$ 253.93 approp. to: 1000-310431-48172 Software  
5,620.91 approp. to: 1000-310231-46100 Police Supplies  
4,221.00 approp. to: 1000-310231-48211 Machinery & Equipment  
13,767.00 approp. to: 1000-310331-48111 Machinery & Equipment  
47,160.00 approp. to: 1000-310431-48151 Motor Vehicles & Equipment

The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank  
Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

City Manager Hodgen presented the following resolution for Council's consideration of approval:

**A RESOLUTION CONFIRMING THE DECLARATION OF A  
LOCAL EMERGENCY IN THE CITY OF HARRISONBURG**

**WHEREAS, the City Council of the City of Harrisonburg, Virginia does hereby find as follows:**

- 1. Due to the occurrences of snowfall on January 29 – 30, February 5 – 6, the pending February 9 -10 snowfall, and expected high winds, dangerous conditions now exist that could adversely affect the lives, property and safety of the residents of Harrisonburg.**
- 2. As a result of these conditions the declaration of a local emergency is necessary to permit the full powers of government to deal effectively with these conditions.**

**WHEREAS, in accordance with the provisions of Section 44-146.21 of the Code of Virginia, the Director of Emergency Services for the City of Harrisonburg has declared a local emergency; and**

**WHEREAS, the Code of Virginia requires subsequent confirmation of the declaration by the local governing body.**

**NOW, THEREFORE, BE IT RESOLVED by the Harrisonburg City Council that the "Declaration of a Local Emergency" is hereby confirmed.**

**Adopted this 9<sup>th</sup> day of February, 2010.**

BY: \_\_\_\_\_

**Kai Degner, Mayor**

ATTEST: \_\_\_\_\_

**Yvonne H. Ryan, MMC, City Clerk**

Council Member Wiens offered a motion to adopt the resolution as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank  
Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

At 8:08 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion concerning a prospective business where no previous announcement has been made of the business' interest in expanding its facilities within the City, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Discussion and consideration of prospective candidates to be appointed to the Board of Zoning Appeals for the City of Harrisonburg, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank  
Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

At 8:15 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

Council Member Frank offered a motion that Dany Fleming, 1051 James Place, be recommended to the Circuit Court to fill the unexpired term of Elizabeth Swallow on the Board of Zoning Appeals to expire on March 20, 2010 along with a full first term to begin March 20, 2010 and expire on March 20, 2015. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

Council Member Frank offered a motion that Alexis Morehouse, 1434 Bluestone Street, be recommended to the Circuit Court to fill the unexpired term of Kent Darrah on the Board of Zoning Appeals to expire on March 20, 2013. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

At 8:16 p.m., City Council reconvened into a closed session in the classroom in the Community Development Department to continue discussion concerning a prospective business where no previous announcement has been made of the business' interest in expanding its facilities within the City, exempt from the public meeting requirements pursuant to Section 2.23711(A)(5) of the Code of Virginia.

At 10:45 p.m., there being no further business and on motion adopted the meeting was continued and recessed until February 17, 2010 at 1:00 p.m., at which time Council intends to enter into a closed session for discussion concerning a prospective business where no previous announcement has been made of the business' interest in expanding its facilities within the City, exempt from the public meeting requirements pursuant to Section 2.2-3711 (A)(5) of the Code of Virginia.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Public Library



**AGENDA ITEM ACTION REQUEST**

	<b>Meeting Date:</b> February 23, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Police	<b>Item:</b> Consider supplemental appropriation for the Police Department in the amount of \$71,022.84 – Second Reading.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Police	<b>Review:</b> These funds were reimbursed through a Justice Assistance Grant (ARRA)
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Police	
Feb23.50	<b>Attachments:</b> 1. Supplemental Appropriation Form

**CITY OF HARRISONBURG, VIRGINIA**  
**REQUEST FOR: SUPPLEMENTAL APPROPRIATIONS**  
**For Fiscal Year Ended June 30, 2010**

**From:**

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	33546	Justice Assistance Grant	71,022.84
Total			<u>71,022.84</u>

**To:**

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	310431-48172	Software	253.93
1000	310231-46100	Police Supplies	5,620.91
1000	310231-48211	Machinery & Equipment	4,221.00
1000	310331-48111	Machinery & Equipment	13,767.00
1000	310431-48151	Motor Vehicles & Equipment	47,160.00
Total			<u>71,022.84</u>

**Reason:** To replace funds reimbursed by Justice Assistance Grant funds (ARRA)

**Requested by :** Col. D.D. Gray 2-9-10  
Head of Department Date

**Funds Available :** Justin O. Deal 2/3/10  
Director of Finance Date

**Recommended & Approved :** [Signature] 2/3/10  
City Manager Date

**City Council Approval:** 2-9-10  
(1st reading)

**City Council Approval:** \_\_\_\_\_  
(2nd reading)

**FINANCE DEPARTMENT'S POSTING** \_\_\_\_\_  
NAME DATE JV #

## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> February 23, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Transportation	<b>Item:</b> Public Hearing – Consider annual grant application for Public Transportation Operating & Capital Funds for FY 2011.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Transportation	<b>Review:</b> This application is for Federal and State funds under the Federal Transit Administration program. Following the public hearing, Council may choose to take action approving this application.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	
Feb23.100	<b>Attachments:</b> 1. Public Hearing notice 2. Application package

## **NOTICE OF PUBLIC HEARING**

The City of Harrisonburg is currently preparing the annual grant application for Operating and Capital Funds for FY11. This application is for Federal and State funds under the Federal Transit Administration, 49USC Section 5307.

A public hearing for this application will be held on Tuesday, February 23, 2010, 7:00 p.m., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia. All interested citizens are encouraged to attend.

Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 19, 2010 at 540-432-0492 or mail comments to Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, Va 22802.

2/13, 20

# Resolution Authorizing the Application for State Aid to Public Transportation

BE IT RESOLVED by the *City of Harrisonburg* that the *Director of Public Transportation* is authorized, for and on behalf of the *City of Harrisonburg*, hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$675,000 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize *Director of Public Transportation* to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The *City of Harrisonburg* certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$ 439,208 , which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting *City Clerk* of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the *City of Harrisonburg* held on the 23<sup>rd</sup> day of February, 2010 .

If applicant has an official seal  
(Official Seal goes here)

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(Signature of Recording Officer)

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(Title of Recording Officer)

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## City of Harrisonburg Dept. of Public Transportation Annual Performance Data for FY 2009

<b>Transit System Name:</b>	City of Harrisonburg Department of Public Transportation	<b>Service Area Population:</b>	45889	<b>Transit Data Complete:</b>	No
<b>EIN:</b>	546001343 - 00	<b>Service Area Type:</b>	Municipal	<b>Budget Complete:</b>	No
<b>Fiscal Year Ending:</b>	June 30, 2009	<b>Service Category:</b>	Urban	<b>Actual Complete:</b>	No
<b>Total - All Transit Modes</b>					
<b>Vehicles</b>					
Total Vehicle Revenue Miles			552,657		
Total Vehicle Revenue Hours			55,962		
Total ADA Accessible Vehicles			36		
<b>Passengers</b>					
Total Unlinked Passenger Trips			1,709,558		
Total Passenger Miles			4,641,632		
<b>Accidents</b>					
Total Reportable Incidents			1		
Total Injuries			1		
Total Fatalities			0		
<b>Employees - Full Time</b>					
Drivers			18		
Maintenance			5		
Administrative			5		
<b>Employee - Part Time</b>					
Drivers			58		
Maintenance			0		
Administrative			1		
<b>Employees - Volunteer</b>					
Drivers			0		
<b>ADA Complementary Paratransit</b>					
<b>Vehicles</b>					
Total Vehicle Revenue Miles			89,339		
Total Vehicle Revenue Hours			10,307		
Total ADA Accessible Vehicles			8		
<b>Passengers</b>					
Total Unlinked Passenger Trips			22,807		
Total Passenger Miles			87,404		
<b>Accidents</b>					
Total Reportable Incidents			1		
Total Injuries			1		

Total Fatalities	0
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**Employees - Full Time**

Drivers	4
Maintenance	1
Administrative	2

**Employee - Part Time**

Drivers	4
Maintenance	0
Administrative	0

**Employees - Volunteer**

Drivers	0
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**Fares - Peak Hours**

Full Fare	2.00
Senior Fare	2.00
Student Fare	.00
Special Fare	.00

**Fares**

Full Adult Fare	2.00
Senior Fares	2.00
Student Fares	.00
Special Fares	.00

**Public Transportation Fixed Route, Route Deviation, and Demand Response Bus Service****Vehicles**

Total Vehicle Revenue Miles	463,318
Total Vehicle Revenue Hours	45,655
Total ADA Accessible Vehicles	28

**Passengers**

Total Unlinked Passenger Trips	1,686,751
Total Passenger Miles	4,554,228

**Accidents**

Total Reportable Incidents	0
Total Injuries	0
Total Fatalities	0

**Employees - Full Time**

Drivers	14
Maintenance	4
Administrative	3

**Employee - Part Time**

Drivers	54
Maintenance	0
Administrative	1

**Employees - Volunteer**

Drivers	0
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**Fares - Peak Hours**

Full Fare	1.00
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Senior Fare	.50
Student Fare	.00
Special Fare	.00

**Fares**

Full Adult Fare	1.00
Senior Fares	.50
Student Fares	.00
Special Fares	.00

**Actual Operating Budget****INCOME**

Revenue	<u>Annual</u>
Fare Revenue	1,343,257
Contract Revenue	0
Other Revenue	16,339
<b>Total Revenue</b>	<b>1,359,596</b>

**Governmental Assistance**

Federal Operating Assistance	810,260
State Operating Assistance	626,354
Local Operating Assistance	428,539
<b>Total Operating Assistance</b>	<b>1,865,153</b>

**EXPENSES**

Total Operating Expenses	3,224,749
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Virginia Department of Rail and Public Transportation  
P. O. Box 590 • Richmond, VA • 23218-0590 • (804) 786-4440

The current time is 6:36:48 AM on 01/27/2010



**Operating Assistance Grant Application****App Num: 005317**

<b>Applicant:</b>	City of Harrisonburg Dept. of Public Transportation	<b>Status:</b>	Submitted
<b>For Fiscal Year:</b>	2011	<b>Start Date:</b>	1/15/2010 8:35:29 AM
<b>Type:</b>	Operating Assistance	<b>Last Updated:</b>	1/26/2010 7:14:15 AM
<b>Version:</b>	Original		

**Expenses**

<b>Last Year's Expenses</b>	
Total Operating Expenses from Last Year:	\$3,224,749
For Fiscal Year Ending:	6/30/2009
Is this figure from an audit of expenses?	No
<b>Current Operating Expenses</b>	
Total Amount of public transportation Administrative Expenses in proposed budget:	\$692,180
Total Amount of Fuel, Tires, and Maintenance Parts and Supplies in operating budget:	\$722,300
Total Amount of TDM/Ridesharing Expenses in budget:	\$0
Balance of all other expenses after subtracting Administrative and FTM expenses in your budget:	\$1,859,173
Total of Operating Expenses in your budget above is:	<b>\$3,273,653</b>

**Operating Revenues**

Total Amount of public transportation revenues in your budget for the upcoming fiscal year including passenger fares, advertising, and other operating revenues:	\$1,539,500
Total Amount of State Aid from other programs for the upcoming fiscal year including Ridesharing/TDM grants, State Contracts for service and bus fare buydowns that will be used to support expenses in your operating budget:	\$0
Description of the source of the other programs in the total above:	
Total Amount of Federal Aid from the FTA Section 5307 Program for the upcoming fiscal year that will be used to support expenses in your proposed operating budget:	\$1,000,000
Calculated Total Amount of Federal Aid from the FTA Section 5311 Application you have submitted this year to DRPT that will be used to support expenses in your proposed operating budget is:	\$0
Total Amount of Federal Aid from the CMAQ Program anticipated for the upcoming fiscal year that will be used to support your proposed operating budget:	\$0
Total Amount of Federal Aid from the FTA Jobs Access and Reverse Commute Program anticipated for the upcoming fiscal year that will be used to support expenses in your proposed operating budget:	\$0
Total Amount of Federal Aid from any Other Federal Program for the upcoming fiscal year that will be used to support expenses in your proposed operating budget:	\$34,000
Name of this Other Federal Program Source 1:	

5303

Name of this Other Federal Program Source 2:

0

Name of this Other Federal Program Source 3:

Calculated Total Amount of Public Transportation Operating Revenues in your proposed budget for the upcoming fiscal year including passenger fares, advertising, and other operating revenues from the data provided above is: **\$2,573,500**

**Transit New Start**

Project Name:

Project Description:

Total Revenue Miles: 0

Proposed Revenue Miles: 0

Total Revenue Hours: 0

Proposed Revenue Hours: 0

[:: Close Window::](#)[:: Print Window ::](#)

Virginia Department of Rail and Public Transportation  
P. O. Box 590 • Richmond, VA • 23218-0590 • (804) 786-4440

**Capital Assistance Grant Application****App Num: 005219**

<b>Applicant:</b>	City of Harrisonburg Dept. of Public Transportation	<b>Status:</b>	Submitted
<b>For Fiscal Year:</b>	2011	<b>Start Date:</b>	12/15/2009 8:46:47 AM
<b>Type:</b>	Capital Assistance	<b>Last Updated:</b>	1/29/2010 12:26:06 PM
<b>Version:</b>	Original		

**General Information****Monitor and Evaluation Plan:**

The FY11 Plan for HDPT includes: Phase 1 of the Construction Project identified in the Executive Summary of the Feasibility Study (attached) - demolition of the reservoir retaining walls and pavement for parking. The Engineering and Design of a Shared Use Administration and Maintenance Facility and address environmental and geological issues. Funding for three low floor 35 foot transit buses for fixed route service expansion.

**Capital Budget Items**

<b>Bus Construction Admin/Maint Facility (11.43.03) Phase 1 Demolition and Pavement</b>	
<b>Qty:</b> 1	<b>Unit Cost:</b> \$200,275 <b>Total:</b> \$200,275
<b>Fed Fund:</b> FTA 5307	<b>Fed Fund:</b> 80.00 % <b>Fed Fund FY:</b> 2011
<b>State Fund:</b> None	
<b>Project Justification:</b>	
Preliminary site work in preparation for the construction of an administrative and maintenance facility. The feasibility study identified allocation of construction cost as 40% transit, 40% school and 20% non-transportation. The unit cost of this budget items represents 40% of the total cost.	
<b>Project Scope:</b>	
Demolition and disposal of current reservoir retaining walls to ready the area for parking and a transit training area.	
<b>Project Readiness:</b>	
Preliminary site work could begin 1st quarter FY2011.	
<b>Technical Capacity:</b>	
Project Manager: Reggie Smith, Director of Public Transportation, 540-432-0496, reggies@hdpt.com	
<b>Bus Engineering &amp; Design of Admin/Maint Facility (11.41.03) E&amp;D Shared Use Admin/Maint Facility</b>	
<b>Qty:</b> 1	<b>Unit Cost:</b> \$200,000 <b>Total:</b> \$200,000
<b>Fed Fund:</b> FTA 5307	<b>Fed Fund:</b> 80.00 % <b>Fed Fund FY:</b> 2011
<b>State Fund:</b> None	
<b>Project Justification:</b>	

Project goals identified during the feasibility study include: Separation of transit from other vehicles and operations to allow a clear separation of funding sources. Efficient use of space, facilities and personnel and provide for expansion to accommodate future needs. Improve productivity and provide needed training space, both classroom and on-site bus training on the lot. Make facilities ADA accessible and provide good security and site lighting. Provide for sustainability in design.

**Project Scope:**

Funding requested is in addition to FY09 and FY10 funding for Engineering and Design of a Shared Use Administrative and Maintenance Facility.

**Project Readiness:**

A Harrisonburg Facility Master Plan Implementation Schedule was developed as part of the Feasibility Study. The schedule for A&E selection is for the 1st calendar quarter of 2010.

**Technical Capacity:**

Project Manager: Reggie Smith, Director of Public Transportation, 540-432-0496, reggies@hdpt.com

**Purchase Expansion Bus 35-ft (11.13.02) Three low floor buses for service expansion.**

**Qty:** 3

**Unit Cost:** \$500,000 **Total:** \$1,500,000

**Fed Fund:** FTA 5307

**Fed Fund:** 80.00 % **Fed Fund FY:** 2011

**State Fund:** None

**Project Justification:**

Transit ridership has increased 9% since July 2009. JMU's Master Plan emphasizes public transportation including a goal for the campus to be open to pedestrians, transit vehicles and service vehicles only beginning in 2012.

**Project Scope:**

HDPT will add a second new fixed route for the City and a third inner campus bus for James Madison University. Currently buses are at or over capacity at peak times and during peak HDPT is using 26 transit buses out of a fleet of 27. To meet the demand for transit ridership expansion buses are needed.

**Project Readiness:**

HDPT will be able to exercise options in the Metro Regional Transit Authority contract for expansion buses.

**Technical Capacity:**

Project Manager: Reggie Smith, Director of Public Transportation, 540-432-0496, reggies@hdpt.com

**TOTAL: \$1,900,275**

## Project Schedule

### Bus Construction Admin/Maint Facility - Qty (1)

Date	Event
9/7/2010	Start Date
9/7/2010	Request for proposal for demolition and disposal of current reservoir retaining walls, parking area and environmental analysis.
10/5/2010	Contract award
9/19/2013	Contract complete
9/19/2013	End Date

## Project Schedule

### Bus Engineering & Design of Admin/Maint Facility - Qty (1)

Date	Event
7/1/2010	Start Date
7/1/2010	Funding for this project is to supplement A&E approved in previous grants.
7/1/2011	Progress report submitted to DRPT
6/29/2012	E&A for Administration and Maintenance Facility complete

6/29/2012	End Date
-----------	----------

**Project Schedule****Purchase Expansion Bus 35-ft - Qty (3)**

Date	Event
7/12/2010	Start Date
7/12/2010	Exercise options in the Metro Regional Transit Authority contract for expansion buses.
1/9/2012	First bus delivered.
1/23/2012	All buses delivered.
7/25/2011	Contract Complete
2/27/2012	End Date

[:: Close Window ::](#)[:: Print Window ::](#)

Virginia Department of Rail and Public Transportation  
P. O. Box 590 • Richmond, VA • 23218-0590 • (804) 786-4440



## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> February 23, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other  BRCC	<b>Item:</b> Presentation by Blue Ridge Community College.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other  BRCC	<b>Review:</b> Dr. John Downey, President of BRCC, will be present to report on the status of Blue Ridge Community College.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Feb23.44	<b>Attachments:</b>

## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> February 23, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other  BB BS	<b>Item:</b> Presentation by Big Brothers Big Sisters.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other  BB BS	<b>Review:</b> Elly Swecker, Executive Director, will be present to update Council on their activities and the impact made with the City's youth.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Feb23.45	<b>Attachments:</b>

**AGENDA ITEM ACTION REQUEST**

	<b>Meeting Date:</b> February 23, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other	<b>Item:</b> Consider resolution in support of “The DREAM Act”
<b>Reviewed:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other	<b>Review:</b> The “DREAM Act” is a piece of bipartisan federal legislation that would create a pathway for undocumented youth to pursue higher education in America. Advocates for this legislation have briefed individual Council members and will present a resolution for their consideration.
<b>Recommend:</b>  YES: <input type="checkbox"/>  NO: <input type="checkbox"/>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Feb23.102	<b>Attachments:</b> 1. Resolution





# City of Harrisonburg, Virginia

## Office of the Mayor

345 South Main Street  
Post Office Box 20031  
Harrisonburg, VA 22802  
(540) 432-7701 / FAX (540) 432-7778

Kai Degner  
Mayor

### **THE DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT (DREAM Act)**

**Resolution of the City Council of Harrisonburg to President Obama, Senators Mark Warner and Jim Webb, and Congressman Bob Goodlatte to support the passage of and to urge other Members of the House and Senators to vote for the Development, Relief, and Education for Alien Minors Act, - the DREAM Act, which authorizes the cancellation of removal and the adjustment of status for certain immigrant youths who are college bound and are long term United States residents and permit States to determine State residency for purposes of higher education without regard to immigration status, once this legislation is introduced into the Congress.**

WHEREAS, each year 65,000 undocumented students, who have lived in the United States for over five years, graduate from American high schools; and

WHEREAS, the percentage of Limited English Proficiency (LEP) students within Harrisonburg City Schools has increased each year since the 1995-96 school year; for the 2008-09 school year, Harrisonburg City Public School's student body consisted of 41% LEP students; and

WHEREAS, for the 2008-09 school year, the student body within Harrisonburg City Schools represents 42 different languages; and

WHEREAS, Undocumented students face overwhelming obstacles in accessing higher education due to their immigration status, which makes them ineligible for federal financial aid and requires them to pay out-of-state tuition for those attending state universities despite their long-term residency within our country and the payment of state taxes by their parents; and

WHEREAS, large numbers of these children live in Harrisonburg and surrounding communities and attend our public schools, many of whom drop out of high school, and are discouraged from studying because they see no value in pursuing higher education because of their immigration status; and

WHEREAS, as witnessed by the accompanying petition of support, over 500 residents of Harrisonburg who know and support these students, including many of their teachers, urge the council to support the resolution; and

WHEREAS, most of these children were brought to the United States due to their parents' actions and did not take part in any decision to circumvent the immigration laws of this country; and

WHEREAS, most of these children, having been raised and educated in the United States, view themselves as "Americans" and have the same dreams, goals and aspirations as other American children; and many have families that all reside now in the united states, having no one to return to if they were deported to the country of origin; and

WHEREAS, undocumented immigrants make vital contributions to the economic stability and cultural richness of the United States, yet remain vulnerable to exploitation, victimization and stigmatization as long as they are denied legal immigration status and meaningful access to higher education; and

WHEREAS, the citizens of the City of Harrisonburg, this City Council, and the Harrisonburg School Board have made a tremendous contribution of public finance and public and private effort to the education of undocumented children within our community; and

WHEREAS, the United States Supreme Court has determined that every state has a constitutional obligation to provide free public primary and secondary education to all children residing within their borders regardless of their immigration status; and

WHEREAS, a high school diploma and the lack of legal immigration status condemn undocumented students to a life of underemployment, instability and unfulfilled potential; and

WHEREAS, access to higher education will allow these students to break the bonds of poverty, to raise the level of esteem in which they are held by our society and to make full contribution to our country's civic, political and economic well-being; and

WHEREAS, the Development, Relief, and Education for Alien Minor - DREAM Act would remedy this situation by allowing undocumented students who have lived in the United States for at least five years and have graduated high school or received a graduate equivalency diploma (GED) to legalize their immigration status, thereby making them eligible for Federal financial aid, and allow states to consider these students as state residents for tuition purposes at state universities.

THEREFORE BE IT RESOLVED, that the City of Harrisonburg fully supports the passage of the Student Adjustment Act and the DREAM Act; and, be it

FURTHER RESOLVED, that the city of Harrisonburg honors the hard work of these students who have been leaders in our schools, worked as volunteers in our community, and now wish to be given the chance to contribute back fully to their local community, state and new country; and

BE IT FURTHER RESOLVED, that the City of Harrisonburg urges the President of the United States to make passage of the DREAM Act one of his top legislative priorities; and

BE IT FURTHER RESOLVED, that the City of Harrisonburg urges Virginia's Senators, and our local member of the House of Representatives to vote for and encourage other Congresspersons and Senators to vote for the passage of the DREAM Act.

---

Mayor Kai Degner

Attest:

---

Yvonne Ryan, MMC, City Clerk

**AGENDA ITEM ACTION REQUEST**

	<b>Meeting Date:</b> February 23, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other	<b>Item:</b> Consider request for a letter of support for Freeman Station Housing Project
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	<b>Review:</b> Local developer Randy Cosner is requesting City Council to authorize a "Letter of Support" for his application to the Virginia Housing Development Authority for Low Income Housing Tax Credits (LIHTC). Freeman Station is an approved housing project (rezoning and preliminary subdivision plat approved in 2008). The LIHTC program emphasizes "workforce" housing development. A copy of Mr. Cosner's letter to Council members is attached, along with schematics of the "typical" housing unit that he proposes to build.
<b>Recommend:</b>  YES: <input type="checkbox"/>  NO: <input type="checkbox"/>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Feb23.105	<b>Attachments:</b> 1. Letter from Randy Cosner w/attachments

Date: 02/15/10

To: Harrisonburg City Council

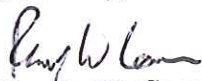
From: Randy Cosner

Subject: LIHTC for Freeman Station

Dear Council Members,

Welcome new council members. I am a local developer that has been developing for ten years and building for thirteen. I have developments ranging from 8 to 155 units around Broadway, Timberville, and Harrisonburg (Freeman Station). I build and develop single family houses, duplexes, townhouses, commercial strip centers, restaurants and similar buildings. Freeman Station rezoning was approved on July 22, 2008 and the preliminary subdivision plat was approved October 14, 2008. Since then I have researched VHDA's LIHTC program and like how it helps with housing for people at or below 60% median income, therefore I would like to pursue this program for this property. VHDA's LIHTC program is not a Section 8 or similar program. This program has an income limit and individuals can not make over 60% of the median income, which would be \$36,240.00 annually. The program would provide housing for teachers, firefighters, police and similar families. There are three proffers this project includes: the concept plan prepared by Hamrick Engineering, P.C. dated June 10, 2008, occupancy will be limited to two unrelated people or a single family, and each duplex unit will have three parking places. As part of the program all units will have at least 75% brick exterior, seven units will be universal design to accommodate wheel chairs and all units will be Earthcraft certified. Extra amenities will include a community room, tot lot and basketball court. Also, as part of this project I will be giving a Non-Profit organization the first right of refusal for the purchase of the entire development for taxes and assuming the mortgage. When meeting with Mike Wong, he felt there was still a need for developments like this the in the city. The units will be similar to the three elevations I have attached. I hope this letter helps provide information to approve the LIHTC program for Freeman Station at the February 23, 2010 council meeting.

Sincerely,



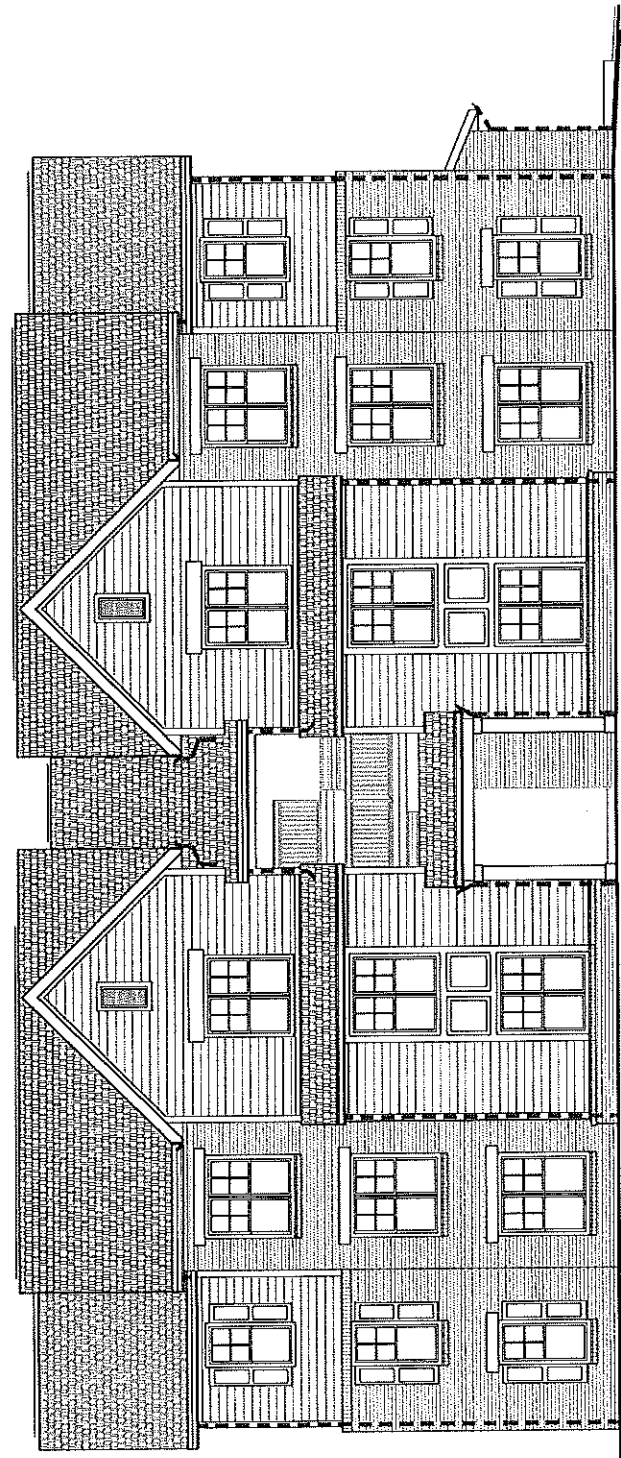
Randy W. Cosner





EDWARD H. WINKS, JAMES D. SNOWA ARCHITECTS P.C. EXPRESSLY RESERVES ITS COPYRIGHT AND OTHER COMMON LAW PROPERTY RIGHTS IN AND TO THESE PLANS. THESE PLANS MAY NOT BE ALTERED, REPRODUCED OR COPIED IN ANY MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF EDWARD H. WINKS, JAMES D. SNOWA ARCHITECTS P.C.  
H:\10403\Sample Garden Apartment - 2br

Elevation



# TYPICAL 2 BEDROOM GARDEN APARTMENT

FEBRUARY 9, 2010

© 2010 WINKS-SNOWA ARCHITECTS, P.C.

WSA PROJECT # 10-405



## AGENDA ITEM # 11

### AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> February 23, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Public Works	<b>Item:</b> Update from Public Works on Snow and Ice Removal Activities
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Public Works	<b>Review:</b> Public Works staff will update Council members on snow and ice removal activities to date and on the financial impact to the snow and ice removal budget. It is anticipated that a supplemental appropriation or transfer of funds request will be presented to Council at an upcoming meeting.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Public Works	
Feb23.233	<b>Attachments:</b>

## AGENDA ITEM # 12

### AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> February 23, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Public Works	<b>Item:</b> Consider a supplemental appropriation for the Public Works Department in amount of \$1,591.55 – First Reading.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Public Works	<b>Review:</b> This appropriation is for the citywide drainage program in capital projects for the reimbursement of funds received for the rain barrel workshop.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Public Works	
Feb23.49	<b>Attachments:</b> 1. Supplemental Appropriation form.

## CITY OF HARRISONBURG

### ☒ REQUEST FOR SUPPLEMENTAL APPROPRIATIONS

For Fiscal Year Ending June 30, 2010

#### From:

FUND	CODE #	ACCOUNT DESCRIPTION	AMOUNT
1310	31914	Recovered Costs	\$1,591.55

#### To:

FUND	CODE #	ACCOUNT DESCRIPTION	AMOUNT
1310	910141-48616	Citywide Drainage Program	\$1,591.55


Reason: Transfer of funds into the citywide drainage program that were deposited with the treasurer's office and received from participants in the second rain barrel workshop on December 3, 2009.

Requested by:

  
Department Head

2/4/10  
Date

Funds Available:

  
Director of Finance

2/12/10  
Date

Recommended & Approved:

  
City Manager

2/12/10  
Date

City Council Approval:

\_\_\_\_\_  
(1st reading)

\_\_\_\_\_  
(2nd reading)

FINANCE DEPARTMENT/Posted by: \_\_\_\_\_ Date \_\_\_\_\_ JV # \_\_\_\_\_